

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2380 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 No.

RAJENDRA CHANDRAKANT MAHADIK

Versus

GOVERNMENT OF INDIA

Appearance:

MR MS MANSURI for Petitioner

MR BT RAO, ADDL. STANDING COUNSEL for the
respondent.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 26/03/98

ORAL JUDGEMENT

Leave to amend the address of the respondent.

Rule. Mr. B.T.Rao, learned Additional Standing Counsel for the respondent waives service of the Rule. At the request of the learned Advocates, this petition is taken up for final hearing to-day.

The petitioner joined the services of the Life Insurance Corporation of India at Baroda. On 7-12-95 the services of the petitioner came to an end. The petitioner on 10-12-95 raised an industrial dispute and challenged his termination. It is the case of the petitioner that the Assistant Labour Commissioner (Central) has conducted the conciliation proceedings which ended in the failure report (Annexure "C" to the petition) submitted by him on 20-8-96 to the respondent-Government of India. It is the grievance of the petitioner that despite his making a request for making a reference, no order of reference is passed by the respondent and, therefore, the present petition is filed with the sole prayer for directing the respondent to take decision for referring the industrial dispute with regard to the petitioner's termination from the services immediately.

Having heard the learned Advocates appearing for the respective parties, I am of the view that the respondent is under an obligation to take appropriate decision whether or not to make a reference for adjudication of the dispute once it has received the failure report submitted by the Conciliation Officer. There is no dispute to the fact that the Conciliation Officer has already submitted the failure report as back as on 20-8-96. The petitioner by his letter dated February 21,1998 has, in fact, reminded the Central Government to take appropriate decision in the matter. However, no decision has been taken so far.

In view of this, this petition is partly allowed. The respondent is directed to take appropriate decision in the matter whether or not to make a reference for adjudication of the dispute within four weeks from the date of the receipt of the order of this Court. Rule is made to the aforesaid extent with no order as to costs.

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